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REMARKS

The Applicant notes that claims 13 and 17 are withdrawn from further consideration as being drawn to a non-elected species. In the event that a generic claim is allowed, the Applicant will request reinstatement of withdrawn claims 13 and 17.

The drawings are amended, per the attached Submission, to overcome a few noted informalities contained therein. New Replacement Sheets of drawing(s), which incorporate all of the requested drawing amendments, will follow in due course. If any further amendment to the drawings is believed necessary, the Examiner is invited to contact the undersigned representative of the Applicant to discuss the same.

Claims 12, 14-16, 19, 20 and 23 are rejected, under 35 U.S.C. § 103(a), as being unpatentable over Evans '520 et al. in view of Hasegawa et al. '833. The Applicant acknowledges and respectfully traverses the raised obviousness rejection in view of the following remarks.

Initially, the Applicant draws the Examiner's attention to the fact that the present invention is directed to a method of controlling operation of a drive so that when a control lever 13 is actuated at the same time that a driving pedal 12 is actuated, the rotational speed of the drive engine is adjusted so that the drive engine supplies enough power to the auxiliary drive 27 in order to produce enough power to adequately operate the working hydraulic system while, at the same time, the clutch 2 is typically accordingly adjusted, e.g., allowed to slip or engage further, to vary the power supplied to the wheels 6, from the drive engine, in such a manner that the vehicle travels at the desired speed which is specified and dictated by the position of the driving pedal 12.

According to the presently claimed invention, when the clutch is slipping, the speed of the drive engine is controlled directly as a function of the demand of the auxiliary drive. That is, the operator merely actuates the control lever 13 and, based upon such actuation, the drive engine is directly controlled as a function of the demand by the auxiliary drive which is controlled by the control lever 13, and as the engine speed changes, the clutch 2 is accordingly

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adjusted, e.g., accordingly engaged or disengaged, to deliver the desired output speed specified by the position of the driving pedal 12. When the clutch is fully engaged, however, the speed of the driving engine is control by the degree of depression of the driving pedal 12. Independent claims 12, 13 and 21 are amended to more clearly and specifically recite the above noted distinction between the present invention and the applied art.

Turning now to the applied Evans et al. '520 citation, it is noted that the disclosed arrangement includes an operator impeller pedal 136 which is provided for selectively controlling the degree of engagement of the impeller clutch 116. As the impeller pedal 136 is depressed from an elevated position to an intermediate position, the ability of the impeller clutch 116 to transmit torque to the impeller element 108 is proportionately reduced (see column 3, lines 25-32).

Moreover, as noted by the Examiner in the official action, Evans et al. '520 lacks a teaching of a transmission powering an auxiliary drive driving at least one hydraulic pump (see the last two lines of page 3 of the official action). In order to overcome this deficiency, the Examiner cites Hasegawa et al. '833 for its teaching of a vehicle transmission powering a pump shaft 18 connected to a hydraulic pump 16 to power a take-off shaft 23. Assuming, for the sake of argument, that this combination of references is proper and permissible under the relevant case law, the resulting combination still does not result in an arrangement in which, when the clutch is slipping, the speed of the drive engine is controlled directly as a function of a demand of the auxiliary drive—neither one of the applied references is believed to in any way teach, suggest or disclose such feature. In view of this, the Applicant respectfully submits that the resulting combination would merely be an arrangement in which the engine drive, the rotational speed of the auxiliary drive and the rotational speed of the wheels are directly a function of the speed of the drive engine and not vice versa. Accordingly, the Applicant respectfully submits that the presently claimed invention is not obvious in view of the applied combination of Evans et al. '620 and Hasegawa et al. '833 and withdrawal of the raised rejection in view of the applied art is respectfully requested at this time.

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Claim 20 is then rejected, under 35 U.S.C. § 103(a), as being unpatentable over Evans et al. '520 as applied to claims 12, 14-16, 19, 20 and 23 and further in view of Ackerman '790. The Applicant acknowledges and respectfully traverses the raised obviousness rejection in view of the following remarks.

The Applicant acknowledges that the additional reference of Ackerman '790 may arguable related to the feature(s) indicated by the Examiner in the official action. Nevertheless, the Applicant respectfully submits that the combination of the base reference of Evans '520 with the additional art of either Ackerman '790 and/or Hasegawa et al. '833 still fails to in any way teach, suggest or disclose the above distinguishing features of the presently claimed invention. As such, all of the raised rejections should be withdrawn at this time in view of the above amendments and remarks.

Next, claim 21 is rejected, under 35 U.S.C. § 103(a), as being unpatentable over Evans et al. '520 as applied to claims 12, 14-16, 19, 20 and 23 and further in view of Segawa et al. '913. The Applicant acknowledges and respectfully traverses the raised obviousness rejection in view of the following remarks.

The Applicant acknowledges that the additional reference of Segawa et al. '913 may arguable related to the feature(s) indicated by the Examiner in the official action. Nevertheless, the Applicant respectfully submits that the combination of the base reference of Evans '520 with the additional art of Segawa et al. '913 and Ackerman '790 and/or Hasegawa et al. '833 still fails to in any way teach, suggest or disclose the above distinguishing features of the presently claimed invention. As such, all of the raised rejections should be withdrawn at this time in view of the above amendments and remarks.

Lastly, claim 22 is rejected, under 35 U.S.C. § 103(a), as being unpatentable over Evans et al. '520 as applied to claims 12, 14-16, 19, 20 and 23 and further in view of Inoue et al. '248. The Applicant acknowledges and respectfully traverses the raised obviousness rejection in view of the following remarks.

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The Applicant acknowledges that the additional reference of Inoue et al. '248 may arguable related to the feature(s) indicated by the Examiner in the official action. Nevertheless, the Applicant respectfully submits that the combination of the base reference of Evans '520 with this additional art of Inoue et al. '248 and Segawa et al. '913, Ackerman '790 and/or Hasegawa et al. '833 still fails to in any way teach, suggest or disclose the above distinguishing features of the presently claimed invention. As such, all of the raised rejections should be withdrawn at this time in view of the above amendments and remarks.

In order to emphasize the above noted distinctions between the presently claimed invention and the applied art, the independent claims of this application now recite the features of, when the clutch is slipping, "controlling the speed of the drive engine directly as a function of a demand of the auxiliary drive which is specified by a control lever (13)". Such newly claimed features are believed to clearly and patentably distinguish the presently claimed invention from all of the art of record, including the applied art.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Evans '520 et al., Hasegawa et al. '833, Ackerman '790, Segawa et al. '913 and/or Inoue et al. '248 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the Examiner to enter an affidavit substantiating the

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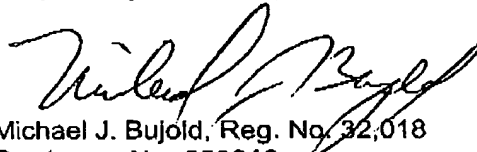
Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Fritz LEBER and Jürgen LEGNER
Serial no.	:	10/798,173
Filed	:	March 11, 2004
For	:	METHOD FOR THE OPERATION OF A DRIVE TRAIN FOR POWERING A MOBILE VEHICLE
Group Art Unit	:	3681
Examiner	:	Justin K. HOLMES
Docket	:	ZAHFRI P603US

The Commissioner for Patents
U.S. Patent & Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450

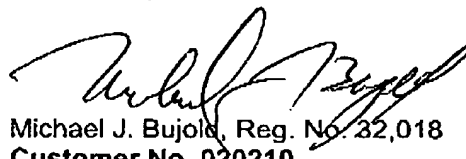
SUBMISSION OF PROPOSED DRAWING AMENDMENTS

Dear Sir:

Please amend Fig. 1 of the drawings, presently on file, as indicated in red ink on the Annotated Marked-Up Drawings accompanying the attached Submission. The Applicant respectfully requests approval of all of the requested drawing amendment(s) at this time. New Replacement Sheets of drawing(s), which incorporate all of the requested drawing amendments, will follow in due course.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



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Fig. 1